IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3347 OF 2005

Smt. D.S. Furtado. ..Petitioner.
Vs.
The Secretary, Slum Rehabilitation Authority and ors.
..Respondents.

Mr. P.G. Parkar for the Petitioner.
Mr.Vijay Pandey for the Respondent Nos. 3 and 4.

.....

CORAM : A.S. OKA,J.
VACATION JUDGE
DATED : 11/5/2005.

APRIL,2005.

P.C.:

1. Heard learned counsel appearing for the petitioner and the learned counsel for the respondent Nos. 3 and 4.

2. It is not in dispute that the petitioner has preferred an appeal for challenging the order dated 2.3.2005 (Exh.D annexed to the petition). It is not in dispute that the appeal was kept today before the appellate authority and order of stay was granted which was operating till today. The learned counsel appearing for the respondent Nos. 3 and 4 pointed out that today at 11.00 a.m. none was present on behalf of the petitioner before the appellate authority and hence, the appeal has been kept

tomorrow for hearing and stay granted earlier has been extended till today. Statement is accepted.

3. The learned counsel appearing for the petitioner states that tomorrow the petitioner will appear before the appellate authority. He states that the order of stay granted by the appellate authority on 5.5.2005 be extended for a reasonable period and he may be permitted to withdraw the writ petition with liberty to prosecute the said appeal. The said prayer is reasonable. Hence, I pass the following order.

ORDER

a) Writ Petition is dismissed as withdrawn with liberty to prosecute the appeal filed by the petitioner which is pending before the appellate authority.

b) All the contentions of the parties are expressly kept open.

c) The order of stay granted by the appellate authority on 5.5.2005 will continue to operate for a period of two weeks from today.

(A.S. OKA, J.)